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 7 SWIdent, LLC, a California Limited Liability Company
 8 (erroneously sued as SWIdent, Inc., a limited liability corporation)

9
 10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11 NACIO SYSTEMS, INC., a Nevada Corporation,

12 Plaintiff,

13 v.

14
 15 HERBERT GOTTLIEB and SWIdent, INC., a
 California limited liability corporation,

16 Defendants.

17 CASE NO. C 07 3481 PJH

18
 19 [PROPOSED] ORDER GRANTING MOTION
 FOR ORDER STAYING LITIGATION AND
 COMPELLING ARBITRATION OF ALL
 CLAIMS

20
 21 **FILED CONCURRENTLY:**
NOTICE OF MOTION AND MOTION;
DECLARATION OF HERBERT GOTTLIEB;
DECLARATION OF RICHARD J. IDELL;
REQUEST FOR JUDICIAL NOTICE

22
 23 Date: October 24, 2007

Time: 9:00 a.m.

Place: Courtroom 3, 17th Floor

Complaint Filed: July 3, 2007

Honorable Phyllis J. Hamilton Presiding

24 The Motion of Defendants HERBERT GOTTLIEB ("GOTTLIEB") and SWIDENT, INC., a
 25 California limited liability company (erroneously sued as a limited liability corporation)
 26 ("SWIDENT") (hereinafter collectively referred to as "Defendants") for a stay and to compel
 27 arbitration came on regularly for hearing on October 24, 2007, at 9:00 a.m. in the Courtroom of the
 28 Honorable United States District Court Judge Phyllis J. Hamilton, located in Courtroom 3, on the 17th

1 Floor of 450 Golden Gate Avenue, San Francisco, California 94102. Plaintiff NACIO SYSTEMS,
 2 INC., a Nevada corporation, appeared by their counsel, _____ Defendants
 3 HERBERT GOTTLIEB and SWIDENT, INC., a California limited liability company (erroneously
 4 sued as a limited liability corporation) appeared by their counsel, Richard J. Idell of Idell & Seitel LLP.

5 Having read the motion and opposition, the points and authorities filed by both parties, and the
 6 Declarations filed therewith, and having heard argument of counsel, and GOOD CAUSE
 7 APPEARING THEREFOR:

8 IT IS ORDERED that Defendant's Motion to Stay the Litigation and Compelling Arbitration of
 9 All Claims is GRANTED.

10 IT IS FURTHER ORDERED that this action is stayed pending the determination of the binding
 11 arbitration.

12 IT IS FURTHER ORDERED that should Plaintiff wish to prosecute this matter, Plaintiff shall
 13 submit to the jurisdiction of the American Arbitration Association to arbitrate the claims contained in
 14 their United States District Court Complaint filed on July 3, 2007, in accordance with the rules of the
 15 American Arbitration Association.

16 IT IS SO ORDERED:

17 Dated: _____

18 HONORABLE PHYLLIS J. HAMILTON

19 Respectfully submitted:

20 Dated: September 18, 2007

21 By:

22 IDELL & SEITEL LLP

23 Richard J. Idell

24 Ory Sandel

25 Elizabeth J. Rest

26 Attorneys for Herbert Gottlieb, an individual and
 27 SWIdent, LLC, a California Limited Liability
 28 Company (erroneously sued as SWIdent, Inc., a
 limited liability corporation)

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On September 19, 2007, I served the following document(s):

**[PROPOSED] ORDER GRANTING MOTION FOR ORDER STAYING LITIGATION
AND COMPELLING ARBITRATION OF ALL CLAIMS; MEMORANDUM OF
POINTS AND AUTHORITIES**

by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

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I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.

SSS

Suzanne Slavens